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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 12-00139 YGR (LB)
)	
Plaintiff,)	
)	
v.)	PROPOSED ORDER DETAINING
)	DEFENDANT PENDING TRIAL
)	
ISMAEL ROBLEDO,)	
a/k/a "Ismael Robledo, Jr.")	
a/k/a "Ismael X. Robledo,")	
)	
Defendant.)	

DETENTION ORDER

Defendant Ismael Robledo is charged in a one-count Indictment with possession of a firearm and ammunition by a convicted felon in violation of 18 U.S.C. § 922(g)(1). At the defendant's February 15, 2012, initial appearance on the Complaint, the United States moved for detention pursuant to 18 U.S.C. § 3142(f)(1)(E), because the case involves a felony not otherwise a crime of violence that involves a the possession or use of a firearm or destructive device. The United States renewed its motion at the defendant's February 22, 2012, detention hearing and the March 7, 2012 initial appearance on the Indictment.

On February 22 and March 7, 2012, this Court heard argument in the United States'

1 motion to detain the defendant without bail pending trial. Defendant Robledo was present, in
2 custody, and represented by counsel. The United States submitted documentary evidence and the
3 parties proceeded by proffer. Following the hearing, and considering the parties' proffer, the
4 evidence submitted by the United States, and the factors set forth in 18 U.S.C. § 3142(g), the
5 Court finds by clear and convincing evidence that no condition or combination of conditions will
6 ensure the defendant's appearance and the safety of the community.

7 Specifically, the Court notes the defendant's conduct in the instant offense, past criminal
8 conduct, and history of controlled substance abuse, as documented in the Pretrial Services report
9 and as demonstrated in the evidence presented by the government. The United States presented
10 evidence of the defendant's presence at a August 29, 2011, assault and battery of a victim.
11 Additionally, the government's evidence and the Pretrial Services report demonstrated the
12 defendant's continuing use of methamphetamine. The Pretrial Services report also listed the
13 Defendant's criminal history, including a conviction for flight from a police officer.

14 The defendant is presently in federal custody. The Court, therefore, orders that the
15 defendant remain in detention pending trial. At the February 15 and March 7, 2012, hearings, the
16 defendant was advised of his rights, including his right to present evidence under section 3142(f).
17 The defendant reserved his right to present information at a future bail hearing should his
18 circumstances change.

19 CONCLUSION

20 The Court detains the defendant because no condition or combination of conditions will
21 reasonably ensure the defendant's appearance and the safety of any other person and the
22 community.

23 The Court orders that the defendant be committed to the custody of the Attorney General
24 or a designated representative for confinement in a corrections facility separate, to the extent
25 practicable, from persons awaiting or serving sentences or held in custody pending appeal. *See*
26 18 U.S.C. § 3142(i)(2). The defendant must be afforded a reasonable opportunity to consult
27 privately with counsel. *See id.* § 3142(i)(3). On order of a court of the United States or on
28 request of an attorney for the United States, the person in charge of the corrections facility must

1 deliver the defendant to the United States Marshal for a court appearance. *See id.* § 3142(i)(4).

2 IT IS SO ORDERED.

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5 DATED: March ⁸, 2012



6 LAUREL BEELER
7 United States Magistrate Judge
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